

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

PROMEGA CORPORATION, et al.,

Plaintiffs,

Case No.: 10-CV-281

v.

Judge: Barbara B. Crabb

LIFE TECHNOLOGIES CORPORATION,

Defendant.

**JOINT STIPULATION AND MOTION REGARDING TOLLING OF ARBITRATION
DATES AND EXTENSIONS OF TIME TO RESPOND**

The Parties, Promega Corporation and Life Technologies Corporation (the “Parties”) by and through their respective counsel stipulate and agree that:

- 1.) Without waiving any rights they may otherwise have asserted and without prejudice to any positions they otherwise have or may assert, all time periods related to arbitration arising by operation of the June 19, 1996 agreement by and between Promega Corporation and Research Genetics (previously attached as Exhibit F to the Complaint filed in this action) and all claims and defenses that any party can raise are hereby tolled as of June 1, 2010 and any further related arbitration actions are hereby stayed.
- 2.) The tolling of such time periods, to the extent they are or become applicable, shall end on the fifth business day following a ruling by this Court on the substantive merits underlying Promega’s Motion to Stay Arbitration Pending Determination of Arbitrability (“Motion”) as set forth in the Motion and Memorandum in support thereof and in Count Seven of the Complaint (See, Docket #1, 3, 4 & 5).

3.) Subject to the Court's consideration and Order, this Stipulation is entered into, in part, in consideration for resetting the dates for the Parties to brief the pending Motion, as follows:

- a.) Defendant, Life Technologies Response to be due June 21, 2010; and
 - b.) Plaintiff, Promega Corporation Reply to be due July 1, 2010.
- 4.) IT IS SO STIPULATED.

This Stipulation made and entered into this 2nd day of June, 2010.

Promega Corporation

Life Technologies Corporation

By: /s James R. Troupis
James R. Troupis
Its Counsel

By: /s Francis M. Wikstrom
Francis M. Wikstrom
Its Counsel

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he caused to be served upon the following counsel a true and correct copy of the Joint Stipulation And Motion Regarding Tolling Of Arbitration Dates And Extensions Of Time To Respond on June 2, 2010, by email to the following:

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/s/ James R. Troupis
One of Plaintiff's Attorneys